GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR **DEPARTMENT (LABOUR)**

Labour Disputes.—Industrial Dispute between the Workmen and the management of the Executive Engineer (Electrical), S.R.S. Hubli.

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

(i) Letter No. I. T. No. 1555-6/67-68 dated, 23th November 1967, from Shri A. Panchaksharaiah, Presiding Officer, Industrial, Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 27th November 1967.

Present ;

Sri A. Panchaksharaiah, B.A. (Hons)LL.B., ... ***Presiding Officer.***

I. D. No. 35 of 1967.

Workmen of The Executive Engineer (Electrical), S.R.S., Hubli. ... ***First Party***

Vs.

Management of The Executive Engineer (Electrical), S.R.S., Hubli. ... ***Second Party***

Appearances.

For the I Party :—Sri Nandaram, General Secretary, M.S.E.B. Employees' Union, Bangalore.

For the II Party :—Sri B. R. Puttananjappa, Authorised Representative.

Reference.

G.O. No LMA 357 LLP 66, Bangalore, dated 6th May 1967.

AWARD.

On the points noted in the Order of Reference *viz.*, Whether the 38 Ex-workmen as per Annexure 'A' of the Hydro Electric Construction Project, Construction Works of Munirabad Hydro Electrical Generating Station, Munirabad, are entitled for retrenchment compensation from the present management known as the Executive Engineer (Electrical), S.R.S., Hubli, or not ? the Government of Mysore by its Order No. LMA 357 LLD 66, dated 6th May 1967 has referred this matter under Sec. 10(1). (d) of the Industrial Disputes Act, 1947, to this tribunal for adjudication. The retrenchment compensation claimed is in respect of 1 to 38 men annexed to the Order of Reference. This dispute has been registered as I.D. No. 35 of 1967 and Notices were issued to the I Party directing it to file the claim statement. The I party workmen are represented by the General Secretary of the M.S.E.B. Employees' Union, the General Secretary being one Sri Nandaram. The I Party filed the claim statement on 10th July 1967 justifying the claim for retrenchment compensation in respect of the workmen given in the schedule and the amounts to which these workmen are entitled. The II Party filed its Counter Statement refusing the allegations made in the claim statement of the I Party. The II Party is represented by Sri B. R. Pattanajappa, authorised Representative. The counter statement was filed on 25th August 1967 requesting the tribunal to reject the demands of the workmen. On a perusal of the pleadings in addition to the points of dispute, three more issues have been framed by me and the case was posted for trial on merits. After some adjournments, both the parties came to a settlement on 21st November 1967. On that day both the parties filed a Memorandum of Settlement signed by them and requested this tribunal to pass an award in terms of the Memorandum of Settlement. The terms of the Settlement are :—

1. (i) Among the claimants claiming retrenchment compensation 35 persons namely, Serial Numbers 2 to 35 and 37 both inclusive in the Order of Reference and Claim statement (list attached for ready reference) have been given employment under the Mysore State Electricity Board, under the following conditions :

(a) the services of the workmen have not been interrupted by the transfer of management and their previous service will count for all benefits.

(b) the terms and conditions of service applicable to the workmen after such transfer are not in any way less favourable to the workmen than those applicable to them immediately before the transfer, and

(c) the Mysore State Electricity Board is legally liable pay to the workmen, in the event of their retrenchment, compensation on the basis that their service has been continuous and has not been interrupted by the transfer.

(ii) In view of the above position, it is agreed that the demand for retrehchment compensation for the above 35 workmen does not survive and the I Party hereby withdraws the claim.

2. (i) It is agreed that such of the claimants who have not been taken on service by the Mysore State Electricity Board under the conditions set out in clause (i) 1 (i) above are entitled to the benefits provided under Sec. 25F of the Industrial Disputes Act, 1947.

(ii) it is further agreed that such of the claimants referred to in sub-clause (i) above, who have not so far been paid the amounts due to them as set out therein, will be paid the same within one month from the date of publication of the award of this Honourable Tribunal in this dispute.

II. Both the parties request that the Honourable Tribunal may be pleased to pass an award in the above terms.

III. It is agreed that the parties to this dispute bear their own costs.

The Memorandum of Settlement is signed on behalf of the II Party by Sri B. R. Puttananjappa while the same is signed by Sri Nandaram for the I Party. I am convinced that this Settlement is advantageous to both the parties. Accordingly I pass an award in terms of the above Memorandum of Settlement. The Memorandum of Settlement is annexed to this award and it shall form part of this award.

2. In the circumstances of the case, each party will bear its own costs.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal.
27-11-1987

ANNEXURE

BEFORE THE HONOURABLE INDUSTRIAL TRIBUNAL, BANGALORE.

Ref. No. 35 of 1967

I Party: Workmen

Vs.

II Party: Executive Engineer, (Elecl.) S. R. S. Division, **Hubli.**

MEMO SUBMITTED BY THE PARTIES

I. The parties abovenamed beg to submit that they have settled the above dispute, under the following terms and conditions .—

1. (i) Among the claimants claiming retrenchment compensation, 35 persons, namely serial numbers 2 to 35 and 37 both inclusive in the Order of reference and Claim Statement (List attached for ready reference) have been given employment under the Mysore State Electricity Board, under the following conditions:—

(a) the services of the workmen have not been interrupted by the transfer of management. and their previous service will count for all benefits.

(b) the terms and conditions of service applicable to the workmen after such transfer are not in any way less favourable to the workmen than those applicable to them immediately before the transfer and,

(c) the Mysore State Electricity Board is legally liable to pay to the workmen, in the event of their retrenchment, compensation on the basis that their service has been continuous and has not been interrupted by the transfer.

(ii) In view of the above position, it is agreed that the demand for retrenchment compensation for the above 35 workmen does not survive and the I Party hereby withdraws the claim.

2. (i) It is agreed that such of the claimants who have not been taken on service by the Mysore State Electricity Board under the conditions set out in Clause I 1 (i) above are entitled to the benefits provided under Section 25 F of the Industrial Disputes Act 1947.

(ii) It is further agreed that such of the claimants referred to in Sub-Clause (i) above, who have not so far been paid the amounts due to them as set out therein, will be paid the same within one month from the date of publication of the Award of this Honourable Tribunal in this Dispute.

II. Both parties pray that the Honourable Tribunal may be pleased to pass an Award in the above terms.

III. It is agreed that the Parties to this dispute bear their own costs.

Dated at Bangalore this 21st day of November 1967

I Party

K. L. Nandaram,
General Secretary,
Mysore State Electricity Board
Employees Union, Bangalore.

For II Party

B. R. Puttananjappa,
Authorised Representative.

"True Copy"

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal, Bangalore-2.

Reference No. 35/87.

ANNEXURE.

List of names of the workmen taken into service by the M.S.E.B.

Sl. No.	Sl. No. in the order of Reference and enclosed statement.	Name of the workman	Designation.
1	2	3	4
		Sriyuths :	
1	2	Muniswamy	Blacksmith
2	3	Jani Miya	Erection Mechanic
3	4	Balaram	Erection Mechanic
4	5	Kristaia	Pump Driver
5	6	Saifdal Ali	Sarang II Class
6	7	Mohammed Mandan	Erection Mechanic III Class.
7	8	Ponnuswamy	Erection Mechanic II Class (Maistry)
8	9	Jairam	Erection Mech. III Cl.
9	10	Sadiq Hussain	Lineman II Class
10	11	Govindaswamy	Lineman II Class
11	12	Muthuswamy	Erection Mechanic
12	13	Marisiddaiah	Erection Mechanic
13	14	V. K. Adisenachar	Wireman. I Class
14	15	Ramachandra Muthalie	Turner I Class
15	16	Mohammed Khalil	Erection Mechanic
16	17	Magadoom	Sarang II Class
17	18	Achutan	Erection Mechanic
18	19	Bhaskaran	Maistry. I Class
19	20	T. Subramanyam	Erection Mech. II
20	21	P. Hamsa	Lineman II Class
21	22	Janardanan	

1	2	3	4
22	23	N. Narayana	Lineman I Class
23	24	Namadeva	Tool Keeper
24	25	Puttaswamy	Erection Mech.
25	26	Abdul Ramoof	Erection Mech
26	27	Gulam Dastagir	Helper II Class
27	28	Abdul Raheem.	Oil Filter Operater.
28	29	Anniyappan	Erection Mech.
29	30	Selvaraj	Erection Mech
30	31	K, Madhavan	Erection Mech.
38	32	Kyathaiah	Maistry I Class.
32	33	L. Raju	Hammerman.
33	34	Abdul Najeed	II Cl. Wireman
34	35	B. Parvathappa	I Cl. Wireman.
35	37	Raju	Helper II Class

K. L. Nandaram
I Party.

B. R. Puttananjappa
For II Party.
Authorised Representative.

'True Copy'

A. PANCHAKSHARIAH,
Presiding Officer
Industrial Tribunal
Bangalore-2

ORDER.

Bangalore, dated 1st December 1967.

S. O. 2416.—WHEREAS by State Government Order No. LMA 357 LLD 66, dated 6th May 1967, the Industrial Dispute between the Workmen and the Management of the Executive Engineer, (Electrical), S.R.S. Hubli was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribual, Bangalore has submitted to the State Govern ment its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Indu strial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. LMA 357 LLD 66.]

By Order and in the name of the Governor of Mysore

1586 G. G. PUROHIT, *Under Secy.*